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IN THE

Supreme Court of the United States

OCTOBER TERM, 1959

No. 823

SIMS MOTOR TRANSPORT LINES, INC., an Illinois CORPORATION, *Appellant*,

v.

UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION

On Appeal From the United States District Court for the Northern District of Illinois

MOTION TO BE NAMED PARTIES APPELLEE AND FOR LEAVE TO FILE MOTION TO AFFIRM

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April 1960

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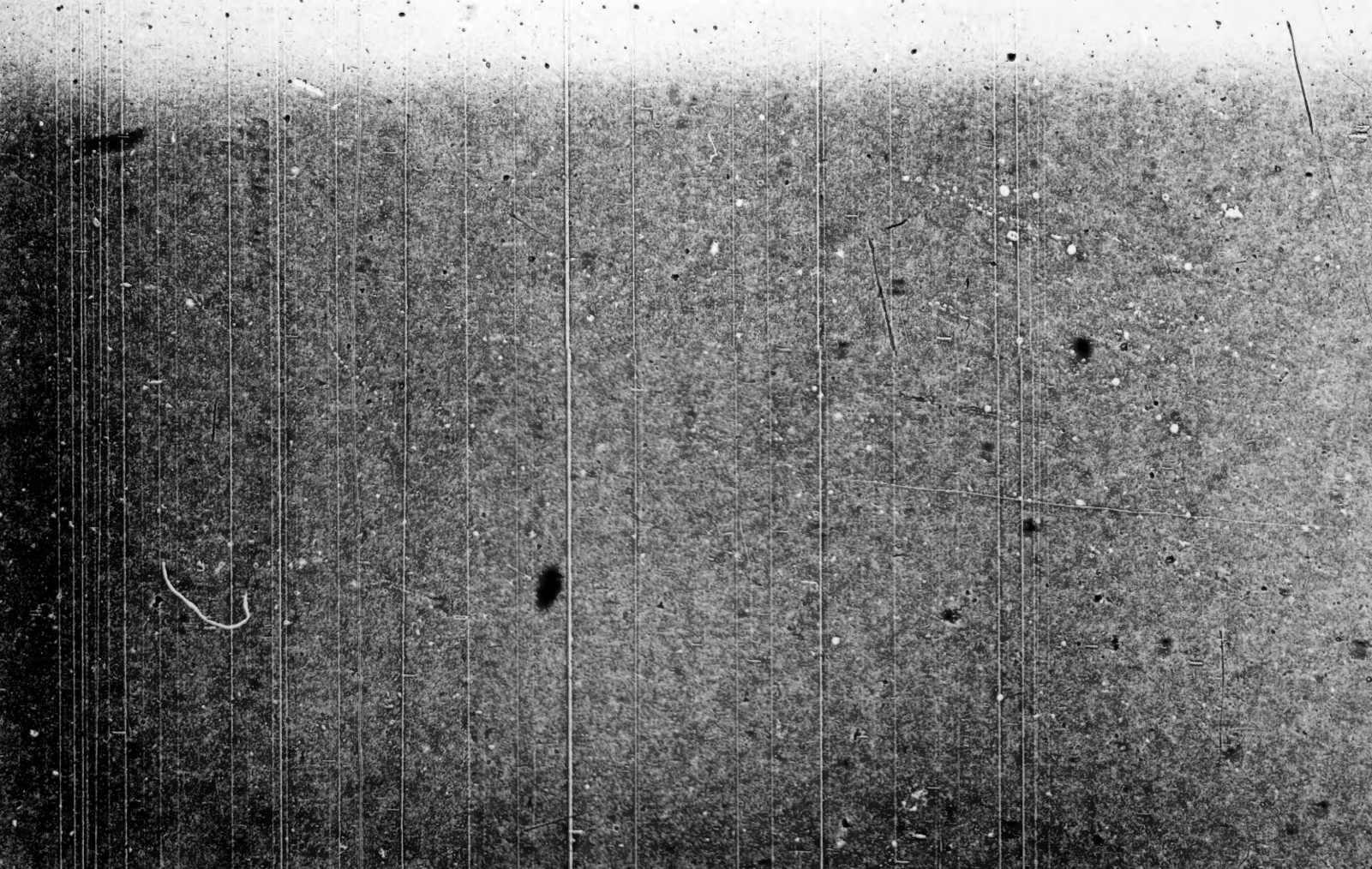

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Now come, Holland Motor Express, Inc., Doyle Freight Lines, Inc., C. A. Conklin Truck Line, Inc., Saginaw Transfer Company, Inc., Kramer Bros. Freight Lines, Inc., Interstate Motor Freight System, Wolverine Express, Inc. and The Regular Common Carrier Conference of American Trucking Associations, Inc., and file this motion to be named parties appellee, and for leave to file a motion to affirm the decision of the District Court.

The interest and standing of these movants arises from the fact that they were parties to the proceeding

before the District Court, having been granted leave to intervene upon their petition duly filed. They appear here in support of the position of the Interstate Commerce Commission which is being supported also by the United States of America. The intervenors embrace seven general commodity motor common carriers of property operating in interstate commerce pursuant to authority issued by the said Commission, and an association of more than 2,000 motor common carrier members. Because the interpretation sought by appellant, if approved, would greatly expand its operations and thus its competition and the competition of literally hundreds of other motor common carriers with similar authority, the interest of these movants in the outcome of this controversy is very substantial.

Appellant is requesting this Honorable Court to review and upon review to reverse the judgment of the Court below upholding the validity of the interpretation made by order of the Interstate Commerce Commission. As noted above the issues of law raised by the appellant directly involve the interests and concerns of these movants and, accordingly, they have a substantial interest in the disposition of this proceeding.

These movants as of April 26, 1960, filed a motion to affirm the order of the District Court, believing that they were, by reason of participation in the proceeding in the Court below, automatically intervening defendants herein, this Court's rules being silent on the subject, and a copy of the appellants jurisdictional statement having been served upon movants' counsel. A question has been raised as to these movants' standing when not specifically named defendants herein;

therefore, this motion is filed out of an abundance of caution.

WHEREFORE, these movants respectfully request that to the extent they are not parties defendant to this case by implication they be named specifically as parties defendant and that the motion to affirm timely filed by them on April 26, 1960, in opposition to the jurisdictional statement be received with respect thereto.

Respectfully submitted,

REX EAMES
ROLAND RICE
Attorneys for Intervenors

Of Counsel

FRANKLIN R. OVERMYER

April 1960

CERTIFICATE OF SERVICE

I, Roland Rice, one of the attorneys for intervenors herein, and a member of the bar of the Supreme Court of the United States, hereby certify that on the 27th day of April, 1960, I served copies of the foregoing document on the several parties hereto, as follows:

1. On Sims Motor Transport Lines, Inc., by mailing a copy in a duly addressed envelope, with air mail postage prepaid, to its attorney, Harold T. Halfpenny, Esq., 111 West Washington Street, Chicago, Illinois.

2. On the United States of America, by mailing a copy in a duly addressed envelope, with postage prepaid, to J. Lee Rankin, Solicitor General, and Robert A. Bicks, Acting Assistant Attorney General, Department of Justice, Washington 25, D. C.

3. On the Interstate Commerce Commission, by mailing a copy in a duly addressed envelope, with postage prepaid, to Robert W. Ginnane, Esq., its General Counsel, at the offices of the Commission, Washington 25, D. C.

ROLAND RICE